

REMARKS

Claim Status

No amendments are introduced herein. Claims 1-27 are currently pending.

Species Election

In the present Office Communication, the Examiner first states that Applicant's previous traversal of the restriction requirement is persuasive and therefore rejoins Groups II and III to previously elected Group I. Applicant wishes to thank the Examiner for that favorable reconsideration.

Next, the Examiner states that the above rejoinder necessitates further species election. In particular, Applicant is further required under 35 USC §121 to elect ONE instrument from: (j') a flow cytometer, (k') a hematology analyzer, (l') H3 by Bayer Corporation, (m') the Beckman Coulter STKS System, (n') the Beckman Coulter Gen-S System, (o') the Abbott Cell-Dyn 4000 Hematology System, (p') Bayer ADVIA 120 System, and (q') the Sysmex XE2100 System, as in claims 12 and 25; and to elect ONE screening target from: (r') HIV, (s') HPV, (t') hepatitis, (u') leukemia, and (v') cancer, as in claims 13 and 26.

In response, Applicant provisionally elects (j') a flow cytometer from the group of instrument as in claims 12 and 25, and (r') HIV from the group of screening targets as in claims 13 and 26 for further examination.

It is respectfully submitted that above election of species is made merely for the purpose of giving the Examiner a starting point for examination and that any amendments to cancel the non-elected species are not necessary at this stage of the prosecution in accordance with MPEP 809.02(a), since no final decision has been made on the allowability of the generic claim(s). The claims that are readable upon the presently elected species are claims 1-27.

This document is filed timely. No fees are believed to be due. However, should any fees be required for any reason, the Commissioner is authorized to deduct such fees from Howrey Deposit Account No. 08-3038/12642.0065.NPUS01.

Respectfully submitted,

/j. wendy davis/

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